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PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

A. P. STATE WAQF BOARD, VIJAYAWADA.

APPOINTMENT OF TOWLITH COMMITTEE FOR SRI MOHD. KAMIL-U-ZAMA,
S/o AKHIL-U-ZAMA AND (4) OTHERS.

- Read : 1. Joint representation of Sri Mohd. Kamil-U-Zama and (4) others,
Dated: 26-12-2007.
2. Office Order No., Dated: 07-08-2018.
3. Joint inspection report of the Dy. Secretary & Asst. Secretary, APSWB,
Vijayawada, Dated: 09-10-2018.
4. Orders of the Hon'ble Chairperson, Dated: 05-11-2018.
5. Board's Resolution No.175/2018, Dated: 13-11-2018.

F.No.04/WG/2017/Z-V,- The Waqf institution namely Big Mosque situated at Krovvidi (V), Nidamaru (M), West Godavari District is a notified Waqf published in A.P Gazette No.16, dated: 19-04-1962, at serial No.312 under the Towliath-ship of Md. Saheb, Md. Munavar Rahaman and (3) others. The Waqf institution having attached landed property bearing R.S No. 359/2, 359/3, 360/1, 361/2, 361/1, 362/1 and 362/2 total to an extent of Ac. 22.90 cents of Krovvidi (V).

In the reference 1st read above, Sri Mohd Kamil-u-Zama and (4) others have submitted Joint representation for appointing them as Muthawallies of the said Waqf institution.

In the reference 2nd read above, the Board has deputed to Sri Md M Subhani, Deputy Secretary & Sri Shaik Noor Saheb, Asst.Secretary, APSWB, Vijayawada for conduct enquiry and submit detail and factual report on the representation submitted by Sri Kamil-U-Zama and (4) others

Accordingly, Sri Md M Subhani, Deputy Secretary & Sri Shaik Noor Saheb, Asst. Secretary, APSWB, Vijayawada have submitted joint inspection report vide the reference 3rd cited above that they were recorded statements from elders of the Krovvidi village details as follows:

(1) Sri Mohad Khader Vali S/o Mohd Ghouse Mohiddin, R/o Krovvidi (v), (2) Sri Abdul Wahab S/o Abdul Gafoor, R/o Krovvidi (v), (3) Sri Hafiz Abdul Waheed S/o Mobasharuddin R/o Krovvidi (v), (4) Sri Mohd Abdul Lateef S/o Abdul Gafoor, R/o Krovvidi, (5) Sri Mohd Vazeevur Rahaman S/o Habeebur Rahaman R/o Krovvidi (V).

Further the Deputy Secretary & Asst. Secretary, APSWB further stated that, the statements also recorded from the following applicant details as follows:

- (1) Sri Mohd.Kamil-u-Zama
- (2) Sri Mohd Arifuddin Quadri
- (3) Sri Sadath Hussain
- (4) Sri Bab Tajuddin,
- (5) Md Abdul Sattar Khadri

The subject Mosque was 400 years old Mosque and the affairs were being managed by their families till today. Due to dilapidated condition in the year 1988 the Mosque renovated with Rs. 2.50 lakhs from the family persons. The Hon'ble Court of Subordinate Judge, Narsapur in A.S. No. 115 of 1933 passed orders that, the Inam was not granted to the Mosque itself but to certain individual for the performance of services in the Mosque and that it was confirmed by the Government to the (5) individuals to be enjoyed by them and their successors so long as they performed service in the Mosque.

The Deputy Secretary & Asst. Secretary, APSWB further stated that as per orders of Subordinate Judge, Narsapur in A.S. No. 115 of 1933 they are looking and managing the Mosque maintaining and administrating day to day affairs by rendering services to the Mosque as per Sec. 3 r (i) of Waqf Act, 1995 they comes within the definition of Mutawallies. Due to non-payment of Waqf fund the Waqf Board issued notices treated as encroachers to all the applicants. They filed OS No. 22/2008 and 22/2017 in Waqf Tribunal against the Waqf Board. They are willing the withdrawn, said O.S No.22/08 after appointment of the Towliat Committee.

The Deputy Secretary & Asst. Secretary, APSWB further stated that the applicants are submitted Audit reports through R. Rajasekhar & Associates, Chartered Accountant, Bhimavaram for the year 31-03-2015, 31-03-2016, 31-03-2017 & 31-03-2018 and also submitted that Income and Expenditure for the year 31-03-2015, 31-03-2016, 31-03-2017 & 31-03-2018.

The Deputy Secretary & Asst. Secretary, APSWB finally stating that in their enquiry it reveals that, the applicants (5) persons are managing the day to day affairs of the Mosque in the place of their forefather without any complaints from the local Musallies of the Krovvidi (V) Nidamaru (M), West Godavari District.

In the reference 5th read above, the matter is placed before the Hon'ble Chairperson, who after careful examination and passed orders to place the matter before the Board meeting for appointment of Towliath Committee U/Sec.42 of Waqf Act, 1995 to the subject waqf institution.

In the reference 6th read above, the Board has passed Resolution No. 175/2018, dated: 13-11-2018 i.e. "It is unanimously resolved to appoint a Towliath Committee with the consisting persons

- (1) Sri Mohd. Kamil-U-Zama, S/o Akhil-U-Zama.
- (2) Sri Mohd. Baba Tajuddin, S/o Mohd. Mazhar
- (3) Sri Mohd. Sadath Hussain, S/o Bahavuddin,
- (4) Sri Mohd. Arefuddin Quadri, S/o Mohd. Gouse Mohiddin Quadri
- (5) Sri Mohd. Abdul Sattar Quadri, S/o Ghouse Mohiddin Quadri

U/Sec.42 of waqf Act, 1995 for managing the affairs of the institution as per waqf Act, 1995 and as per Waqf Rules from the date of issue of this orders".

Accordingly, 1) Sri Mohd. Kamil-U-Zama, S/o Akhil-U-Zama, 2) Sri Mohd. Baba Tajuddin, S/o Mohd. Mazhar, 3) Sri Mohd. Sadath Hussain, S/o Bahavuddin, 4) Sri Mohd. Arefuddin Quadri, S/o Mohd. Gouse Mohiddin Quadri and 5) Sri Mohd. Abdul Sattar Quadri, S/o Ghouse Mohiddin Quadri are hereby appointed a Towliath Committee U/Sec.42 of Waqf Act 1995 for managing the affairs of the institution as per waqf Act, 1995 and as per Waqf Rules from the date of issue of this orders.

The Towliath committee should discharge his legitimate duties strictly as determined in Section 50 of Waqf Act, 1995 read with Rules 20 of A.P. Waqf Rules, 2000 and should follow the instructions issued by the Board for time to time. They should submit the Accounts Budget Income & Expenditure statement and paid Waqf Fund properly, failing which Section 61, 64 and 72 of the Waqf Act, 1995 will be attracted duties mentioned hereunder and also issued instructions to withdrawn the court case O. S No.22/08 and 22/2017 in Waqf Tribunal against the Waqf Board and to pay the Waqf fund dues to Waqf Board.

- a) To implement the orders issued by the Board from time to time.
- b) To carry out the directions of the Board.
- c) To Inspection of Waqf properties, accounts, records and deeds and documents relating thereof.
- d) To discharge all public duties.
- e) To do any other act which he is lawfully required to do by or under this Act.
- f) Shall render proper and correct accounts of the Institution and its attached properties and shall not suppress any fact.
- g) That the Mutawallis restrict or to grant lease of Waqf property exceeding one year.

- h) The Mutawallis should follow the Norms fixed in Section 56 of the Waqf Act, 1995 while granting Lease of any agricultural land.
- i) He will not entitle to expend the Monies of Waqf exceeding 10% of the Net annual Income.
- j) The cases will be withdrawn which was filed against the Waqf Board and should pay the Waqf fund arrears immediately.

As per Sec. 101 (2) of Waqf Act, 1995, *“Every Mutawalli of a Waqf, every member of managing committee whether constituted by the Board or under any deed of Waqf, every Executive Officer and every person holding any office in a Waqf shall also be deemed to be a public servant within the meaning of Sec.21 of the Indian Penal Code”*. As such, for the illegal act if any, every member of the committee will be liable for penal action. The Committee shall also noted that Sec.3 (ee) defined encroacher, sec. 52-A explain rigorous punishment upto (2) years and Sec.61 speaks penalty and punishment upto (6) months for the lapses / charges shown therein, hence should act carefully delinquency and maintain account scrupulously.

The APSWB reserves its right to modify / cancel / alter / with hold the order at any time without assigning any reasons thereof.

L. ABDUL KHADIR,
Chief Executive Officer,
Andhra Pradesh State Waqf Board,
Vijayawada.

Dated: 20-11-2018.

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